

AMHERST PLANNING BOARD
Wednesday, September 6, 2006 – 7:00 PM
Town Room, Town Hall
MINUTES

PRESENT: Aaron Hayden, Chair; Leandro Rivera, Carl Mailler, Mary Scipioni, Richard Howland, Eduardo Suarez, Rod Francis (9:20 PM)

ABSENT: No One

STAFF: Jonathan Tucker, Director; Niels la Cour, Senior Planner; Sue Krzanowski, Management Assistant

Mr. Hayden opened the meeting at 7:05 PM.

II. PUBLIC HEARING – SITE PLAN REVIEW APPLICATION

SPR2006-00008, The Common School

Mr. Hayden read the preamble and opened the hearing for this request to construct a new parking lot at 503 South Pleasant Street. (Map 17A/Parcel 49; R-N zoning district)

Mr. Hayden disclosed that he is a member of the Hitchcock Center Board of Trustees.

Mr. Peter Wells, The Berkshire Design Group, said that the plans have been revised since they were first submitted. Mr. Wells told the Board that the proposed curb cut onto Jeffrey Lane has been eliminated in response to abutters' concerns. That's the only change on the plans, he said, which he then presented to the Board.

Mr. Wells told the Board that some environmental issues have been raised during the Conservation Commission's review. He also said that the applicant would consider ideas from the Board about the possibility of relocating the sign.

The Board discussed the entrance drive, roadway, parking lot and plantings. Mr. la Cour noted that he had spoken to the Fire Department representative about the new plans and they are okay with the dead-end parking lot but want an eighteen foot minimum entranceway.

Mr. Bud Lichenstein, Director of The Common School and Ms. Evelyn Bloom, Business Manager joined the discussion. Mr. Lichenstein said that after meetings with Mr. Larry Shaffer, Town Manager and neighbors, a majority of the residents on Jeffrey Lane have signed an agreement with The Common School and will no longer oppose the proposal.

Mr. Lichenstein said that The Common School is hoping that a traffic study on Route 116 will be done.

The discussion continued and included traffic, sight lines, location of the sign, trees, plantings, handicapped parking, drainage, lighting, and events at the school.

Mr. John Fitzgibbon, attorney representing immediate abutter Ms. Jill Sherman, told the Board that his client appreciates the efforts of The Common School but she has not signed the agreement. Ms. Sherman still has some concerns which she would like addressed, he told the Board:

- 1) An adequate buffer of arborvitae, at least 6' high;
- 2) Although she favors lighting for security reasons, Ms. Sherman wants it to be shielded and on motion detectors.
- 3) Ms. Sherman would like the parking area moved as close to Route 116 as possible.

Mr. Michael Mascis, the attorney representing Jeffrey Lane residents in the negotiations, said that they do not oppose the Common School's parking plan.

Also speaking at the hearing were:

Mr. Adam Sitze, 25 Jeffrey Lane expressed concerned about Route 116.

Ms. Tiffany Johnson, 15 Jeffrey Lane, expressed concerns about the lighting and her property values.

Mr. Fran Capporello, 21 Jeffrey Lane, spoke in support of the new proposal and Ms. Sherman's request that the lighting be put on motion detectors.

Ms. Kathleen McKenna expressed concerns about drainage, melting snow and relocation of the sign, which she said would block their access. Mr. Wells responded to her concerns.

Mr. Kevin Newman, 36 Jeffrey Lane, said that while he had parking concerns, he signed the agreement because he appreciates the Common School's efforts in reaching a compromise with neighbors.

Mr. Lester Whitney, 48 Jeffrey Lane, spoke in support of a traffic study of the Route 116 area by a professional engineer. Mr. Tucker noted that the Town had committed to a traffic study.

There was a brief discussion on how/why the two parking lots would be separate and the location of the handicapped parking. Ms. Bloom said that the lots couldn't be combined because of Conservation Commission restrictions.

Ms. Robin Diamond, Woodlot Road, spoke in support of the proposal, commenting that it will increase safety. She urged the Board to approve it.

Mr. Fitzgibbon said that the 15 foot buffer is the minimum required and he encouraged the Board to increase it.

Ms. Helena Donovan, Jeffrey Lane, asked about location of plantings and lights. Mr. Wells responded. Ms. Bloom commented that presently there is very little space for children to play. It's very important to have the open space on site for recreation, she said.

The discussion continued about the parking lot design, including walkways and lighting.

Mr. Howland MOVED: to close the public hearing. Ms. Scipioni seconded.

Mr. Fitzgibbon commented that the Board should not close the hearing if they were going to review the lighting plan at a future date.

Ms. Johnson asked that taller trees be planted on Jeffrey Lane.

The Motion passed 6-0.

Noting the time, the Chair moved to the next agenda item.

III. PUBLIC HEARING – DEFINITIVE SUBDIVISION APPLICATION REVIEW

SUB2006-00009, Haskins View, East Leverett Road – Barry Roberts

Request approval for a 27-lot, single-family subdivision on East Leverett Road. (Map 3B/parcels 20 & 80 and Map 3A/Parcel 78; R-O zone) [continued from July 12, 2006 & August 2, 2006]

Mr. Peter MacConnell, on behalf of the applicant, submitted a request asking to continue the hearing to October 4, 2006 in the hope that a full complement of nine members would be available for that date.

Mr. Howland MOVED: that the Board continue the hearing to October 4, 2006 at 7:05 PM. Mr. Rivera seconded, and the Motion passed 6-0.

Mr. Suarez requested a site visit to Haskins View.

II. PUBLIC HEARING – SITE PLAN REVIEW APPLICATION (continued)

SPR2006-00008, The Common School

Mr. Hayden began reviewing the Development Application Report. The board discussed the waiver requests. Ms. Scipioni commented that this project will not aggravate the traffic problem. Other members agreed, and Mr. Rivera added that this proposal removes parking on Route 116 and improves things. Additional issues discussed were parking, effective screening, plantings, lighting plan and specifics about appropriate technology, motion detectors, light trespass, photo metrics and requiring a comprehensive lighting plan with patterns, schedules, hours. The Board also discussed signage, a four-foot vinyl covered chain link fence and whether or not it should have an entrance to Jeffrey Lane.

Mr. Suarez said that the Board should have a copy of the agreement between the Common School and the neighbors.

Mr. la Cour stepped out to copy the agreement and the Chair moved to the first item on the agenda, review of minutes.

I. MINUTES – Meetings of August 2 & 16, 2006

Ms. Scipioni MOVED: to approve the Minutes of August 2, 2006 as submitted. Mr. Mailler seconded, and the Motion passed 5-0-2 (Hayden, Howland abstained).

Mr. Rivera noted an error in the last paragraph under Public Hearing – Repetitive Petition on page 2, “withdraw” instead of “without”.

Mr. Howland MOVED: to approve the Minutes of August 16, 2006 as corrected. Ms. Scipioni seconded, and the Motion passed 7-0.

II. PUBLIC HEARING – SITE PLAN REVIEW APPLICATION (continued)

SPR2006-00008, The Common School

Mr. Mailler commented that while the agreement may be of interest, it is not relevant to the permitting process.

Mr. Hayden read the list of waivers and conditions that he drafted during the Board’s discussion:

- 1) Traffic Impact Statement
- 2) Section 7.0030, Required Parking Spaces
- 3) Section 7.1, Parking Lot Islands

Mr. Hayden suggested and the Board discussed the following draft conditions for approval.

- 1) The lighting plan, including complete photometrics, shall be reviewed and approved by the Planning Board. Appropriate technology should be used for the lighting which should be shielded to prevent trespass. A lighting management plan shall be submitted which addresses lighting schedule, motion detectors, etc.
- 2) A revised sign plan that includes directional signs shall be submitted for approval of the Board. The Board recommends that the Common School review the possibility of altering the entrance signs to improve sight lines.
- 3) Revised landscaped plans showing a vinyl-coated fence with a more inviting entrance to the Jeffrey Lane neighbors near the northwest corner shall be submitted.

Mr. Hayden also added the following three (3) standard conditions:

- 4) Four (4) copies of the final revised plans shall be submitted to the Planning Department.
- 5) All landscaping shall be installed and continuously maintained.
- 6) This permit will expire in two (2) years if substantial construction has not begun.

Mr. Howland MOVED: that the Board approve SPR2006-00008, The Common School, subject to the waivers and conditions drafted by Mr. Hayden as listed below:

Waivers

- 1) Traffic Impact Statement
- 2) Section 7.0030, Required Parking Spaces
- 3) Section 7.1, Parking Lot Islands

Conditions

- 1) The lighting plan, including complete photometrics, shall be reviewed and approved by the Planning Board. Appropriate technology should be used for the lighting which should be shielded to prevent trespass. A lighting management plan shall be submitted which addresses lighting schedule, motion detectors, etc.
- 2) A revised sign plan that includes directional signs shall be submitted for approval of the Board. The Board recommends that the Common School review the possibility of altering the entrance signs to improve sight lines.
- 3) Revised landscaped plans showing a vinyl-coated fence with a more inviting entrance to the Jeffrey Lane neighbors near the northwest corner shall be submitted.
- 4) Four (4) copies of the final revised plans shall be submitted to the Planning Department.
- 5) All landscaping shall be installed and continuously maintained.
- 6) This permit will expire in two (2) years if substantial construction has not begun.

The Board also endorsed the Town Manager's efforts in negotiating the agreement between the Common School and the neighbors.

Mr. Mailler seconded, and the Motion passed 6-0-1 (Francis abstained).

IV. NEW BUSINESS

A. Chapter 61A Removal – North Amherst Community Farm

Mr. Tucker explained the proposal to remove a portion of land from Chapter 61A.

Mr. Howland MOVED: to recommend that the Town not exercise its option to purchase the property. Mr. Mailler seconded, and the Motion passed 7-0.

- B. Mullin Rule** – Mr. Tucker briefly explained the statute which, if adopted by Town Meeting, could affect quorum requirements for permit hearings. Members of the Board preferred to wait until after the fall Town Meeting before taking any action.

- C. Representatives** – The Board decided to postpone appointing a Farm Committee representative action until a final Board member was appointed.

Mr. Howland MOVED: to re-appoint Mr. Hayden as the representative to the Pioneer Valley Planning Commission. Mr. Francis seconded, and the Motion passed 7-0.

V. OLD BUSINESS

A. Valley Vision – Recommendation

The board began discussion of the Valley Vision presentation which was done at their last meeting and whether or not to recommend that the Select Board sign the Memorandum of Agreement.

Mr. Mailler spoke in support of cooperating with the Pioneer Valley Planning Commission (PVPC) commenting that there would be no negatives in signing the Memorandum of Agreement and it could be beneficial.

Mr. Suarez MOVED: that the Board discuss this further at their next meeting. There was no second.

Mr. Mailler MOVED: to recommend that the Select Board sign the Memorandum of Agreement. Mr. Francis seconded.

Ms. Scipioni said she was not comfortable with the recommendation to the Select Board. Mr. Suarez said that he has concerns.

The Motion passed 6-1 (Suarez opposed).

Mr. Francis MOVED: to request that the Chair draft a memorandum to the Select Board. Mr. Suarez seconded, and the Motion passed 7-0.

- B. Other** – The Board discussed ways to reduce the length of its meetings, which had become rather prolonged lately.

Ms. Scipioni stepped down from the Board at 10:30 PM.

VI. FORM A (ANR) SUBDIVISION APPLICATIONS

The Chair endorsed the following:

ANR2007-00007, Snell Street, Jane Andresen
ANR2007-00008, 45 Canton Avenue, Julius & Edith Fabos

IX. PLANNING BOARD SUBCOMMITTEE REPORTS

- A. Zoning** – Mr. Tucker reviewed the Zoning Subcommittee work list and noted the issues to be addressed for the upcoming Town Meeting: Farmland Conservation (FC) Development Standards amendments; a property owner request for rezoning at

446 Main Street, and; a technical fix to remove references to the Wetlands District from the Zoning Map and Bylaw. Mr. Tucker also noted that Mr. Mailler was the only prior member of the Subcommittee remaining and the Board needed to appoint more members.

Mr. Rivera said that he was interested, but lived adjacent to the proposed new village center at Atkins Corner. This area will be experiencing zoning changes and, therefore, it would be inappropriate for him to serve on the Zoning Subcommittee, as that could represent a conflict of interest.

Mr. Howland MOVED: to appoint Mr. Suarez and Mr. Hayden to join Mr. Mailler on the Zoning Subcommittee. Mr. Francis seconded, and the Motion passed 5-0-1 (Rivera abstained).

The Board continued to review the work list and prioritize the items. Mr. Tucker noted a letter addressed to the Select Board from Mr. Vincent O'Connor, requesting that the Select Board place on the Fall Town Meeting warrant an article amending the Zoning Bylaw to narrow the levels of affordability possible under the inclusionary provisions of the Bylaw. The Select Board had considered the request at a recent meeting, but had determined that the amendment should go through the standard zoning review process with the appropriate committees, rather than being placed directly on the warrant without that review. Mr. O'Connor had subsequently asked if the Planning Board wanted to direct the Zoning Subcommittee to put this on their list for Fall Town Meeting. Mr. Mailler said that the Board should finish the existing list of potential articles first. There was general agreement.

Kathleen Anderson, a newly-appointed Planning Board member attending the meeting but not yet sworn in, said she, too, was interested and would attend the Subcommittee meetings to see what they involved.

Mr. Mailler MOVED: that the three zoning issues (1. FC Development Standards; 2. rezoning of 446 Main Street and 3. Wetlands District) be reviewed for including on the warrant. Mr. Francis seconded, and the Motion passed 6-0.

The Board continued discussing Mr. O'Connor's request. It was generally agreed that the implications of the proposal would take time to address appropriately and that such a review wouldn't be possible prior to the upcoming Fall Town Meeting. One member noted that he had watched the Select Board meeting on television at which Mr. O'Connor has made his request. The member commented that while he had no problem dealing with technical zoning issues when they are raised, he felt that Mr. O'Connor had made public criticisms of the Planning Board and Planning Department staff that had been inappropriate and unwarranted.

XI. REPORT OF THE CHAIR

Mr. Hayden said that the Select Board had recently changed the charge and composition of the Comprehensive Planning Committee and the two Planning Board representatives would no longer be voting members. Mr. Francis expressed concern that the Planning Board's role in the master plan hadn't been considered when this decision was made. He suggested that the Select Board vote be discussed at a future meeting.

VIII. UPCOMING SPP/SPR/SUB APPLICATIONS

Site Plan Review applications have been filed for the First Congregational Church to install a memorial garden and for Judie's Restaurant to expand into and subsume Barselotti's.

Mr. Suarez MOVED: to schedule site visits. Mr. Rivera seconded.

The site visits were scheduled for Thursday, September 14, 2006 to begin at 8:00 AM to review Judie's request and then go on to the church.

VII. UPCOMING ZBA APPLICATIONS

ZBA2007-00007, Pelham Road, Northeast Utilities Service Co. for Western Massachusetts Electric Co. – Pelham Road

Mr. Suarez MOVED: to review the brown fields site. Mr. Hayden seconded. The Motion failed 2-2-1 (Francis, Howland opposed; Hayden abstained).

The Board also decided not to review the following:

ZBA2007-00008, 321 Main Street – Celina Perrot
ZBA2007-00009, 4 Main Street – Dan Marcantonio

XIII. ADJOURNMENT

Mr. Rivera MOVED: to adjourn this meeting at 11:35 PM. Mr. Francis seconded, and the Motion passed 5-0.

Respectfully submitted:

Sue Krzanowski, Management Assistant

Approved:

Aaron A. Hayden, Chair

DATE: _____